

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 12656 to 12660; and that was below the standard for milk fat content, Nos. 12661 and 12662.

12656. Adulteration of butter. U. S. v. Kellogg Cooperative Creamery Association. Plea of guilty. Fine, \$150. (F. D. C. No. 23297. Sample No. 77288-H.)

INFORMATION FILED: August 1, 1947, District of Minnesota, against the Kellogg Cooperative Creamery Association, Kellogg, Minn.

ALLEGED SHIPMENT: On or about April 9, 1947, from the State of Minnesota into the State of Iowa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hairs.

DISPOSITION: November 7, 1947. A plea of guilty having been entered on behalf of the defendant, a fine of \$150 was imposed.

12657. Adulteration of butter. U. S. v. 21 Cubes (1,428 pounds) * * *. (F. D. C. No. 23675. Sample No. 30405-H.)

LIBEL FILED: August 12, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about July 22, 1947, by the Yellowstone Dairy, from Douglas, Wyo.

PRODUCT: 21 68-pound cubes of butter at Englewood, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed animal substance (examination of a sample disclosed the presence of an insect, insect parts, and a hair resembling a rodent hair); and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.)

DISPOSITION: September 3, 1947. Consent decree of condemnation. The product was ordered sold to a rendering company, to be used in the manufacture of soap grease.

12658. Adulteration of butter. U. S. v. 275 Cubes (16,500 pounds) * * *. (F. D. C. No. 21054. Sample No. 43116-H.)

LIBEL FILED: August 22, 1946, District of Maryland.

ALLEGED SHIPMENT: On or about August 8, 1946, by South Mountain Dairies, Inc., from New York, N. Y.

PRODUCT: 275 60-pound cubes of butter at Baltimore, Md.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed animal substance. (The product contained rodent hair fragments, insects, insect fragments, and mold.)

DISPOSITION: February 17, 1947. The South Mountain Dairies, Inc., claimant, having admitted the allegations of the libel, and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be processed into soap, under the supervision of the Food and Drug Administration.

12659. Adulteration of butter. U. S. v. 26 Cases * * *. (F. D. C. No. 24149. Sample No. 19037-K.)

LIBEL FILED: On or about October 9, 1947, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about September 15, 1947, by Swift & Co., from Lexington, Ky.

PRODUCT: 26 cases, each containing 32 1-pound cartons of 4 ¼-pound packages, of butter at Huntington, W. Va.

LABEL, IN PART: "4 Oz. Net Weight Swift Brookfield Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was decomposed, since it contained excessive mold mycelia, showing the use of decomposed cream.

DISPOSITION: February 28, 1948. Default decree of condemnation. The product was ordered denatured and sold for use as salvage fats.

12660. Adulteration of butter. U. S. v. 15 Boxes, etc. (497 pounds, total).
(F. D. C. No. 23929. Sample Nos. 19039-K, 19040-K.)

LIBEL FILED: October 1, 1947, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about September 17 and 22, 1947, by the Beatrice Creamery Co., from Cincinnati, Ohio.

PRODUCT: 15 31-pound boxes and 1 32-pound box of butter at Harlan, Ky.

LABEL, IN PART: "Meadow Gold Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed substance since the butter was made from decomposed cream, as evidenced by a high mold mycelia count.

DISPOSITION: November 1, 1947. The Beatrice Foods Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The butter was converted into butter oil.

12661. Adulteration of butter. U. S. v. Merchants Creamery Co., Inc. (Linwood Dairy & Creamery). Plea of guilty. Fine, \$50 and costs. (F. D. C. No. 23597. Sample Nos. 83402-H, 83411-H.)

INFORMATION FILED: December 6, 1947, District of Kansas, against the Merchants Creamery Co., Inc., trading as Linwood Dairy & Creamery, at Wichita, Kans.

ALLEGED SHIPMENT: On or about May 28, 1947, from the State of Kansas into the State of Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted; and, Section 402 (b) (2), a product containing less than 80 percent of milk fat had been substituted for butter.

DISPOSITION: February 4, 1948. A plea of guilty having been entered on behalf of the defendant, a fine of \$50 was imposed, together with costs.

12662. Adulteration of butter. U. S. v. 15 Cartons (480 pounds) * * *
(F. D. C. No. 24146. Sample No. 12002-K.)

LIBEL FILED: October 10, 1947, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 16, 1947, by Wilson & Co., Inc., from Oklahoma City, Okla.

PRODUCT: 15 cartons, each containing 32 1-pound prints, of butter at Harrisburg, Pa.

LABEL, IN PART: "Clear Brook Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: November 8, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

CHEESE

12663. Adulteration of American cheese. U. S. v. Sanitary Dairy Products Co., George T. Conati, and Frank M. Conati. Pleas of guilty. Total fines, \$2,000. Individual defendants placed on 2 years' probation. (F. D. C. No. 23313. Sample Nos. 63014-H, 63016-H, 68009-H, 68010-H.)

INFORMATION FILED: August 7, 1947, District of Minnesota, against the Sanitary Dairy Products Co., a partnership, Crookston, Minn., and George T. Conati and Frank M. Conati, partners.

ALLEGED SHIPMENT: On or about November 4 and December 14, 1946, from the State of Minnesota into the States of Nebraska and California.

LABEL, IN PART: (Portion) "Longhorns Armour's Cloverbloom."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, feather fragments, and a mite; and (portion), Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.